



UNVEILING INJUSTICE: A CLOSER LOOK AT WOMEN'S HUMAN RIGHTS VIOLATIONS IN INDIA

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ABSTRACT

In order to be recognised as a member of the global human community, an individual must possess an inherent entitlement to a universally applicable and indivisible set of fundamental human rights, irrespective of their racial or ethnic background. Nevertheless, although the specific recognition and protection of these rights as fundamental freedoms in the Indian Constitution, the current condition of women's human rights in the nation falls significantly short of the desired standard. The existing framework and customs within Indian society contribute to a significant disparity between the de facto and de jure circumstances. The prevailing patriarchal structure in Indian society, characterised by male dominance and the perception of male superiority, has resulted in a significant disparity between the rights afforded to women and those enjoyed by men in India. Individuals experience various forms of gender-based discrimination, inequity, and humiliation as part of their routine existence. The Indian Constitution includes specific provisions aimed at promoting female empowerment and overall development. However, the current state of affairs for women in India is characterised by significant challenges. A lack of awareness among the majority of Indian women regarding their rights contributes to their vulnerability to various forms of discrimination, harassment, and exploitation. Despite the endeavours undertaken by lawmakers and policymakers in India to safeguard women's rights, their efficacy is hindered by their confinement to mere legislative measures rather than proactive implementation. The mistreatment and harassment of Indian women, both in physical and psychological forms, can be attributed to various factors. This article aims to provide women with information regarding their rights as outlined in the constitution and other relevant legislation. The present study is grounded in secondary data sources, encompassing a range of materials such as books, newspaper articles, and reports.

KEYWORDS: Women, Discrimination, Harassment, Crimes, Human Rights, Violation.

INTRODUCTION

India possesses a rich and illustrious historical background as a prominent civilization. Women in ancient India during the Rig Vedic period were accorded a significant degree of social status and esteem. During this period, individuals were granted permission to engage in religious ceremonies and were afforded a diverse array of choices in selecting a life partner. During the later Vedic period, there was a decline in the social status of women, resulting in their subjection to discriminatory practises. The analysis of Smritis indicates a decline in the status of women. However, the Smritis also contribute to a certain level of ambiguity due to the existence of various ideas and concepts. For instance, the statement "Naryastu Yatra Pujyante, Ramante Tatra Devta" from the Manu Smriti, which signifies the high regard for women (Where women are revered, there very gods are pleased). Furthermore, it is mentioned, 'Pita Raksati Kaumare Bharta Raksati Yauvane, Raksanti Sthavire Putra Na Stri Svatantryamarhati,' which presents a contrasting viewpoint to the aforementioned statement. The paternal figure assumes the role of safeguarding a woman's chastity during her maidenhood, while her marital partner has the responsibility of protecting her throughout her youthful years. In her latter stages of life, her son assumes the duty of safeguarding her. Consequently, it is posited that women, regardless of their age, are not permitted to exercise autonomy and act independently. Following her childhood, she found herself subject to the authority of her father. Upon entering marriage and motherhood, she then became subject to the authority of her son. Consequently, the Manu Smriti exemplifies the dual treatment of women, wherein they are simultaneously revered and disregarded. According to Yajñavalkya, the author of the Mitakshra, it is the responsibility of the father to protect a woman during her unmarried state, the husband during her married state, and the son during her old age. In the absence of these individuals, her relatives are expected to fulfil this duty. During that particular historical era, women encountered a challenging existence characterised by insufficient rights and subjugation to a patriarchal social structure.

The curtailment of rights and liberties, as well as the social degradation experienced by individuals, ensued subsequent to the Vedic period during the mediaeval era, mostly as a result of various societal norms and practises. The practise of veiling, also known as purdah, emerged as a social custom with the aim of concealing women from the view of Muslim conquerors. During this historical period, the practises of Sati and child marriage were prevalent. The female population experienced a loss of personal identity and self-governance due to pervasive instances of societal inequities. Women were afforded increased liberties under British rule due to the influence of western culture. The importation of the notions of fairness, justice, and morality to the United States can be traced back to their origins in Britain. During the aforementioned time period, notable social reformers such as Raja Ram Mohan Roy, Swami Dayanand Saraswati, and Ishwar Chandra Vidhyasagar made concerted efforts to protect women from the prevalent customs of Sati and Child Marriage. Additionally, they promoted the pursuit of education among women as a means of fostering their empowerment. The Constitution of India, upon its attainment of independence in 1947, bestowed equal rights upon individuals of both genders.

Despite the implementation of various initiatives aimed at improving the position of women in India, the constitutional objective of achieving gender equality has yet to be realised.

The incidence of crimes perpetrated against women in India is experiencing a consistent upward trend. According to the National Crime Record Bureau (NCRB), the city of Delhi recorded a total of 1,215 incidents of rape, 11 attempted rapes, 3,416 cases of domestic violence, 3,715 cases of kidnapping, 2,705 cases of outraging the modesty, 18 cases of women-related cybercrime, and 153 cases of dowry death in the year 2018. In the current year, a total of 8,246 instances of criminal offences targeting female individuals were reported. These cases encompassed many forms of crimes, such as 1,839 incidents falling under the purview of the Protection of Children from Sexual Offences Act (POCSO), 52 instances of homicide, 72 occurrences of human trafficking, and 687 cases involving the violation of the modesty of a female child under the provisions of POCSO. In the year 2018, the Delhi Police documented a cumulative count of 13,640 instances of crimes perpetrated against women. Given the catastrophic circumstances in Delhi, it is conceivable to extrapolate the state of affairs throughout the rest of the country. Despite the equitable distribution of gender in India's population, women continue to face pervasive discrimination and frequent violations of their rights. It is widely acknowledged that crimes like as rape, sexual assault, dowry demand, bride burning, prostitution, selling and importing, and other forms of sexual exploitation are predominantly perpetrated against women, hence excluding men as potential victims. What are the benefits that women derive from the protection of Human Rights through constitutional provisions and various legislations? Undoubtedly, the Indian government has a steadfast dedication to the empowerment of women; nonetheless, it is evident that significant progress is yet to be made.

Women's Human Rights in India

The Constitution of India, established in 1949, has numerous provisions that advocate for the principles of equality and prohibit gender-based discrimination. The constitution ensures equal protection for both men and women, as it upholds a range of fundamental freedoms that are inherent to human rights. The Indian Parliament enacted the Protection of Human Rights Act in 1993. The establishment of the National Human Rights Commission was a direct outcome of legislative measures. In the event of a breach of human rights, a woman who feels offended has the option to lodge a formal complaint with the National Human Rights Commission.

Despite the considerable increase in the literacy rate among women in India, leading to enhanced self-reliance and awareness of their legal entitlements, including equal treatment, property ownership, employment, and support, a significant proportion of Indian women remain uninformed about their legal rights. Consequently, they continue to confront instances of harassment, exploitation, and injustice. The Indian Penal Code, Code of Criminal Procedure, and the Indian Evidence Act have undergone substantial amendments subsequent to the Nirbhaya case in 2012, with the aim of enhancing women's

protection and safeguarding their rights. Furthermore, a multitude of legislative measures have been enacted with the explicit purpose of protecting and upholding the fundamental human rights of women. These regulations enforce sanctions on those who violate the established standards of human conduct and surpass the legal boundaries in order to harm the dignity of women. The legal rights afforded to women are a direct consequence of the stipulations outlined in these laws.

Women's Human Rights Under Constitutional Framework

1. Right to Equality under Article 14
2. Right against Discrimination
3. Right to Equal opportunity in Public Employment
4. Right to Freedom of Speech and Expression
5. Right to work
6. Right to Life and Personal Liberty
7. Right against Exploitation
8. Right to Livelihood
9. Equal Pay for Equal Work
10. Right to Health
11. Equal Justice and Free Legal Aid
12. Just and Human Conditions of Work and Maternity Relief
13. Right of Constitutional Remedies

Women's Human Rights Protected Under Various Legislations

1. Right to live with Dignity
2. Right to Use Earnings
3. Right to own Property
4. Right to Private Defence
5. Right against Discrimination in Employment
6. Right to get Equal Pay
7. Right to get Minimum Pay
8. Right against Sexual Harassment at Work Place
9. Right of Maternity Benefit
10. Right to claim Maintenance

Violations of Women's Human Rights in India

Despite claims of gender equality and the absence of gender-based discrimination in India, the actual circumstances experienced by Indian women deviate significantly from the ideal. The distinction between de facto and de jure situations in Indian society is significantly influenced by the prevailing structure and practises. The disparity in women's rights in India can be attributed to the patriarchal structure of the culture, when males wield authority and are regarded as superior to females. They have been confronted with adversities and subjected to discriminatory treatment for an extended duration. The status and conditions experienced by women have exhibited a notable degree of continuity from the Middle Ages to the present era. Individuals of this particular gender are consistently exposed to various forms of discrimination, inequity, and social stigma across multiple domains of their existence. In examining the infringements upon women's human rights, it is vital to initiate the discussion by exploring the various practises that undermine their womanhood and the proclivity of society to transgress their rights.

A. Tradition of Devadasi

The term 'Devadasi', derived from Sanskrit, denotes women who were wedded to a deity or a temple at a young age, typically about five or six years old, and thereafter subjected to sexual exploitation by devotees. The phenomenon of sexual exploitation of Devadasis in certain regions of India has undergone evolutionary changes over time. The aforementioned practise can be traced back to the pre-Aryan period, and it has been transmitted across successive generations. The absence of any reference to the subject matter in Vedic Sanskrit literature is notable, however, it is worth noting that Tamil Sangam literature, originating from the period between 200-300 BC, provides insights on the existence of a distinct group of female performers referred to as Parattaiyar. Within an alternative locality of the urban landscape, there existed a cohort of individuals known as courtesans, who were engaged in the execution of certain ceremonial obligations. Over the course of time, they established connections with temples. During the 6th century A.D. in South India, it was customary for female dancers who had received classical training to be ceremoniously married to deities. This practise was facilitated by one of the prominent queens belonging to the Keshari Dynasty. During the period of their occurrence, they were highly esteemed and regarded as fortuitous. Although initially concentrated in the southern region of the country, this particular practise seems to have gradually proliferated across the entire nation during the post-Vedic and Buddhist periods. After their successful military campaigns in India, the Muslim rulers initiated a process of demolishing Hindu temples. The Devadasis were compelled to engage in wedding performances and entertain people as a consequence of the aforementioned devastation, hence initiating their enslavement. During that period, there was a convergence between the practises of prostitution and dancing. Despite being officially banned in 1988, the Devadasi system in southern India, which involves the dedication of women to engage in sexual services under the guise of religious practise, continues to exist.

According to the National Commission for Women, the estimated number of Devadasis in India exceeds 250,000. The practise of Devadasi is presently an

underground phenomenon, rendering it challenging to ascertain the precise number of active Devadasi individuals at any given moment due to the indistinguishability between religious and non-religious forms of prostitution. The northern region of Karnataka is reported to have a total of 22,941 active Devadasis across its 10 districts. Similarly, Andhra Pradesh has 16,624 active Devadasis distributed among its 14 districts. In contrast, Maharashtra has a relatively lower number of 2,479 active Devadasis. It is worth noting that despite the existence of legislation aimed at prohibiting this practise, such as the Bombay Devadasi Protection Act of 1934, the Madras Devadasi (Prevention of dedication) Act of 1947, the Ka

In the case of Vishal Jeet v. Union of India and Ors, the Supreme Court opined that notwithstanding the existence of rigorous legal procedures for rehabilitation, it cannot be conclusively asserted that the intended outcomes have been successfully attained. To address the issue at hand, a distinct Advisory Committee was formed, consisting of pertinent officials, criminologists, sociologists, women welfare social organisations, and other field experts. Their primary objective was to provide recommendations for the elimination of the mentioned practise. Additionally, the court instructed the committee to promptly and appropriately take action within the framework of existing legal provisions. During a temple festival held at the Utrang Mala Durga temple in the Devnagar district of Karnataka in 2014, the Supreme Court issued a directive to the chief secretary of Karnataka, mandating the implementation of appropriate steps to avoid the coercion of women into the practise of becoming 'Devadasis'.

B. Practice of Sati

The resurgence of the practise of Sati in mediaeval Rajasthan and British colonial Bengal can be attributed to the societal turmoil experienced during both periods. Despite being considered outdated during the Vedic age, Sati regained prominence as a widespread phenomenon, aided by the presence of a well-established theological framework. Despite the intended voluntary nature of the act, it is believed that widows may have occasionally been coerced into performing it. The practise of sati was declared illegal in 1829 and subsequently abolished in 1861. The Sati (Prevention) Act of 1987, enacted in 1988, established legal provisions that prohibited and penalised any form of assistance or encouragement towards the practise of sati.

The practise of Sati continues to persist in rural areas of India, despite legal bans. One notable case that brought attention to this issue is that of Roop Kanwar, which subsequently led to the implementation of a new regulation regarding the conduct of Sati. In September 1987, Roop Kanwar was compelled to undergo the practise of sati, wherein she was immolated on her husband's funeral pyre, despite being married for only 8 months. Subsequently, a temple was constructed in her honour. She attained the status of a divine being and was venerated accordingly. Nevertheless, in 1996, the court affirmed the legitimacy of this conduct as a social ceremony and exonerated those individuals who assisted in the execution of Sati. There were two documented cases in which widows chose to end their lives through the practise of Sati: Kuttu Bai's self-immolation occurred in Madhya Pradesh in August 2002, while Vidyawati's self-immolation took place in Uttar Pradesh in 2006. In August 2006, a woman named Janakrani, who was 40 years old and widowed, was subjected to the act of being burned alive on her husband's funeral pyre in the state of Madhya Pradesh. In 2008, an incident of Sati was reported involving Lalmati, a 71-year-old widow residing in Chhattisgarh. The Supreme Court of India, in the case of Gaurav Jain v. Union of India, issued a directive to the government to undertake the rescue and provision of care for women who have been subjected to abduction and sexual assault. In order to lead a life characterised by human dignity and to refrain from engaging in such practises, individuals must be afforded sufficient resources for sustenance and socioeconomic empowerment.

C. Practice of Jauhar

The term "Jauhar" refers to a historical practise in which the wives and daughters of defeated warriors were voluntarily sacrificed to avert their capture, incarceration, and potential experiences of sexual violence by the enemy. Enormous funeral pyres were constructed, upon which women were immolated, therefore ensuring that the deceased bodies of these women, who had perished in the act of Johar, remained beyond the reach of the enemy's male combatants. In the practise of Sati, women would immolate themselves on the funeral pyres of their spouses, even while their husbands were still alive. However, Jauhar did not offer a similar recourse. Following the deed of Jauhar, women would participate in the custom of saka, which can be translated as "fighting to the death." This tradition was observed by the wives of Rajput monarchs, a community that highly esteems the concept of honour. Jauhar and Sati had notable distinctions across various aspects.

D. Child Marriage

The concept of "child marriage" pertains to the matrimonial union of two individuals who have not yet attained the age of legal adulthood at the time of their nuptials. This phenomenon is not of recent origin within Indian civilization; rather, it has been prevalent for a considerable while and continues to be observed in contemporary times. According to Section 6 of the Hindu Marriage Act, 1956, it is mandated that a female individual must have attained a minimum age of 18 years in order to enter into the institution of marriage. Furthermore, the Prohibition of Child Marriage Act, 2006 criminalises the act of a female

marrying prior to reaching this prescribed age. Notwithstanding the existence of these legislations, around 50% of Indian women are subjected to early marriage prior to reaching the age of 18. In some regions of India, females are perceived as a financial liability to their households. Preceding the birth of a child, matrimonial unions are prearranged before to their occurrence. Marriages between cousins are prevalent in southern India due to the perception among local communities that a woman's security is enhanced when she enters into matrimony within her own familial circle. Certain parents hold the belief that child brides have the capacity to acclimatise to unfamiliar surroundings, and that others within their social circle can shape the child's behaviour to align with their family's cultural norms. The prevailing belief is that males opt to marry women at a young age in order to limit the potential risk of their unmarried daughters experiencing pregnancy. It is important to acknowledge that none of the aforementioned arguments in favour of child marriages hold validity. Child marriages primarily arise due to economic and social challenges, notably illiteracy and limited access to education. Several adverse consequences arise from the practise of women's child marriage, encompassing widowhood, limited access to education, restricted agency in selecting a life partner, insufficient social integration, diminished economic self-sufficiency, and compromised health and nutrition resulting from premature and frequent pregnancies, which often transpire when the young bride is ill-equipped psychologically. Nevertheless, males in a community that is predominantly male-dominated experience more favourable outcomes in the context of child marriage.

E. Restriction on Widow's Marriage

During the mediaeval period, a significant number of widows were deprived of their right to life after the demise of their husbands due to the prevalent ritual of Sati. Society imposed a life of suffering upon widows who chose not to partake in the morally reprehensible custom of Sati. Consequently, individuals were compelled to lead a lifestyle devoid of engagement in celebratory events or acts of benevolence, with any such endeavours being perceived as unfortunate occurrences. The individuals in question experienced dehumanisation and were deprived of their fundamental human rights. The practise of widow remarriage was widely disapproved of due to its perceived immorality. Consequently, a significant number of their social, economic, and cultural requirements remained unfulfilled. The Hindu Widow's Remarriage Act, 1856, was enacted by the British government on July 26, 1856, following the efforts of Ishwar Chandra Vidyasagar to advocate for the legalisation of widow remarriage. Consequently, the aforementioned legislation proved ineffective in achieving its intended objective and yielded minimal success in facilitating the remarriage of Hindu widows. Even in contemporary society, the practise of widow remarriage continues to face little acceptance.

CONCLUSION

According to the 2011 census data, the gender ratio in India indicates that there are 940 females for every 1000 males, accounting for approximately 48% of the overall population. The integral tasks that women fulfil in our lives, such as that of a mother, sister, wife, and daughter, are important for the fulfilment of our existence. The violation of women's human rights in India is attributable to societal apathy, familial ignorance, and antiquated legal frameworks. At a certain juncture in the course of history, women were accorded comparable rights and status to their male counterparts. An illustration from Valmiki's Ramayana asserts that king Rama himself required a representation, or effigy, to fulfil the rituals associated with the Ashwamegh Yagya in the event that Sita was absent. In addition, historical records indicate that individuals in the past have considerable agency in selecting their life partners. However, contemporary circumstances in Indian society have resulted in women assuming a disproportionately vulnerable position, so exacerbating the severity of their predicament. Individuals do not experience enhanced safety when they are in transit on roadways, utilising public transportation such as buses or trains, attending cinematic venues, visiting beaches, residing within their local communities, or even within the confines of their own homes. Instead, they remain susceptible to various forms of harassment. Despite the endeavours made by lawmakers and policymakers in India to safeguard women's rights, their efficacy is hindered by their confinement to mere legislative measures rather than proactive implementation. This is the underlying reason for the mistreatment and harassment experienced by women in India, encompassing both physical and psychological dimensions. The occurrence of human rights violations against women raises the question of the extent to which the distinct rights afforded to women are advantageous for them. Legislation designed to enhance the agency of women offers several benefits. The inquiry pertains to the extent of their assistance. Is it conceivable that women could perhaps attain equal status to males in the future? The solutions to all of these inquiries remain an enigma. These inquiries continue to elude resolution for an extended duration. There is a necessity to reassess our current approach towards this matter and embark on efforts to establish a more inclusive and safe environment for women. Vivekananda aptly asserted that the betterment of the global community is contingent upon the amelioration of women's circumstances. In order for avian species to achieve flight, it is vital that they possess a pair of wings.

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